

Amendments to the Drawings

Fig. 1 is amended to change the reference numeral 520 to 501 to alleviate a conflict with reference numeral 520 in Fig. 5.

Fig. 4 is amended to change the reference numeral associated with the link coupling the interface 475 and the switch 425 from 418 to 415, as reference numeral 418 is employed for the link between the satellite receiver 460 and the contention server 455.

Fig. 5 is amended to change the reference numeral associated with the base antenna from 160 to 540 to properly align with the corresponding language of the specification and the use of the numeral in Fig. 14.

Fig. 14 is amended to add a link 511 between the router 505 and the switch 510, which is properly shown in Fig. 5.

Each of the drawing amendments is reflected in a corresponding replacement drawing sheet attached to this Response.

Remarks

Claims 1-175 stand rejected. Claims 1, 31, 61 and 138-175 are amended herein. Claims 12, 42 and 71 are canceled. Thus, claims 1-11, 13-41, 43-70 and 72-175 remain pending. The Assignee respectfully traverses the rejections and requests allowance of claims 1-11, 13-41, 43-70 and 72-175.

Specification Amendments

Generally, various paragraphs and a table of the specification have been amended to remove references to customer premises 610 and 620, which do not appear in the drawings. Also, the reference numeral for the market hub/head end of Fig. 1 has been changed from 520 to 501 in order to avoid conflict with the downstream manager 520 of Fig. 5. In addition, references to links 113 and 114 have been replaced with link 116 to correctly correspond with Fig. 1. Also, any references to head end 510 have been removed, as that element does not appear in the drawings. Some language has also been added to the specification to refer to the sectors 161-170, as well as the link 131 coupling the head end 500 with the base antenna 160, as shown in Fig. 1.

Some new paragraphs have been added to the specification to properly refer to various elements of Figs. 3-5 that were previously left unnoted. More specifically, references now appear in the specification to the regional domain name server (DNS) 365 and its associated link 313 of Fig. 3; the market DNS 465, alarm system 470, interface 475, file transfer protocol (FTP) test server 480, and Remote Monitor (RMON) probe 495, along with associated links 413-415, 419 and 421, of Fig. 4; and the DNS 591, alarm system 592, asynchronous ports 593, interface 594 and monitor system 596, in addition to the channel combiner 536 and corresponding link 562, of Fig. 5.

The paragraph beginning at page 15, line 27, is also amended to eliminate a typographical error involving the word "similar."

Claim Amendments

Claim 1 is amended to include the provision of "generating and transmitting a graphical overview of the communication network to a user system..." from claim 12. Further, claim 1

now pertains to performance information “for a selected region of the communication network.” Claims 31 and 61 have been amended in a similar fashion, in part by incorporating the provisions of claims 42 and 71, respectively.

Due to the abovementioned claim amendments, claims 12, 42 and 71 are canceled.

Beginning with the second claim numbered as claim 138, the number of that claim and each proceeding claim are incremented by one to correct a problem regarding two claims being labeled as claim 138. Of those amended claims, those that refer to another claim within that same claim range have been further amended to update those references to the correct claim number.

Drawing Amendments

Figures 1, 4, 5 and 14 are amended to correct minor discrepancies among the drawings, and between the drawings and the specification, as noted above. Replacement drawing sheets for Figs. 1, 4, 5 and 14 are attached hereto.

Claim Objections

Claims 138-174 are objected to under 37 C.F.R. § 1.126 because two claims were numbered as claim 138. Thus, starting with the second claim 138, the claims have been renumbered by incrementing the claim number, resulting in claim numbers 139 through 175. Also, those of claims 139 through 175 referencing previous claims whose numbers have been incremented are further updated to correct those references.

Claim Rejections Under 35 U.S.C. § 102

Claims 1-16, 18, 19, 27-41, 43-46, 48, 49, 57-70, 72-75, 77, 78, 86-104, 106, 107, 115-133, 135, 136, 144-161, 163, 164 and 172-175 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,571,285 to Groath et al. (hereinafter “Groath”). In addition, as claims 42 and 71 are referenced in relation to the same rejection (page 3, section 3, of the Office action), the Assignee presumes the rejection under 35 U.S.C. § 102(e) applies to those claims as well. The Assignee respectfully traverses the rejection in light of the current amendments to claims 1, 31 and 61, and the following discussion.

Amended claim 1 sets forth a method for providing performance information of a

communication network that includes, in part, “generating and transmitting a *graphical overview of the communication network* to a user system...” (emphasis supplied). Also, claim 1 now provides performance information “for a selected region of the communication network.” Claims 31, 61, 90, 119 and 148 contain similar provisions.

Groath discloses “an architecture which is capable of monitoring a network for events and checking system functions and resources.” Column 10, lines 2-6. Also, “[r]eports on system performance, errors, etc. can be generated and output.” Column 10, lines 9-10. Further, particular locations pertinent to a network element performance report may be selected by way of a drop-down list or by way of typing in the name of a particular city. Column 69, lines 52-65; Fig. 18. However, neither Groath nor any other cited reference teaches or suggests generating and transmitting a graphical overview of the communication network, as provided for in claims 1, 31, 61, 90, 119 and 148. Such an overview provides a user-friendly method for selecting which portion of the network for which performance information is to be generated. For example, Fig. 31 of the current application depicts a geographical map of the United States, thus providing a graphical overview of the various regions of a communication network for which performance information may be received. Such a graphical overview provides the user with more information concerning the interrelationships between the various regions of the communication network than a simple drop-down list. For example, geographical directions and distances between various regions are discernible by way of a graphical overview, unlike a drop-down list. Also, specification of the various regions is not limited to those denoted by cities, but may involve larger geographical subdivisions, such as counties or states. Regional subdivisions that are smaller than cities may also be utilized in the alternative.

Further, as to claims 90, 119 and 148, claim 90 further provides for “generating and transmitting a list of types of the performance information for the requested region of the communication network to the user system....” In other words, the list of types of performance information is provided after a particular region is selected, as the types of performance information available may depend on the particular region specified. Claims 119 and 148 incorporate similar provisions. No such teaching is found in Groath. While Groath discusses specifying a location by way of a drop-down menu, as indicated above, Fig. 18 of Groath does not indicate that the metrics chosen, as well as the network element type and other parameters, depend on the city requested in the drop-down menu, unlike what is possible in claims 90, 119

and 148.

Thus, given the foregoing, the Assignee asserts that claims 1, 31, 61, 90, 119 and 148 are allowable, and such indication is respectfully requested.

In addition, claims 2-11, 13-16, 18, 19 and 27-30 depend from independent claim 1, claims 32-41, 43-46, 48, 49 and 57-60 depend from independent claim 31, claims 62-70, 72-75, 77, 78 and 86-89 depend from independent claim 61, claims 91-104, 106, 107 and 115-118 depend from independent claim 90, claims 120-133, 135, 136 and 144-147 depend from independent claim 119, and claims 149-161, 163, 164 and 172-175 depend from independent claim 148. Thus, each of these claims incorporates the limitations of their corresponding independent claims. Therefore, the Assignee contends that claims 2-11, 13-16, 18, 19, 27-30, 32-41, 43-46, 48, 49, 57-60, 62-70, 72-75, 77, 78, 86-89, 91-104, 106, 107, 115-118, 120-133, 135, 136, 144-147, 149-161, 163, 164 and 172-175 are allowable for at least the reasons given above with respect to independent claims 1, 31, 61, 90, 119 and 148, and such indication is respectfully requested.

Due to the cancellation of claims 12, 42 and 71, the rejection as applied to these claims is rendered moot.

Therefore, given the foregoing discussion, the Assignee respectfully requests the withdrawal of the anticipation rejection of claims 1-16, 18, 19, 27-46, 48, 49, 57-75, 77, 78, 86-104, 106, 107, 115-133, 135, 136, 144-161, 163, 164 and 172-175.

Claim Rejections Under 35 U.S.C. § 103

Claims 17, 47, 76, 105, 134 and 162 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Groath and U.S. Patent No. 6,411,606 to Moura et al. (hereinafter "Moura"). Also, claims 20, 50, 79, 108, 137 and 165 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Groath and U.S. Patent No. 5,519,830 to Opoczynski (hereinafter "Opoczynski"). In addition, claims 21-26, 51-56, 80-85, 109-114, 138-143 and 166-171 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Groath, Opocaynski and Moura. The Assignee respectfully traverses these rejections in light of the current amendments to claims 1, 31 and 61, in conjunction with the foregoing remarks.

More specifically, since claims 17 and 20-26 depend from independent claim 1, claims 47 and 51-56 depend from independent claim 31, claims 76 and 80-85 depend from independent

claim 61, claims 105 and 109-114 depend from independent claim 90, claims 134 and 138-143 depend from independent claim 119, and claims 162 and 166-171 depend from independent claim 148, each of these claims incorporates the provisions of their respective independent claims. Thus, the Assignee asserts that claims 17, 20-26, 47, 50-56, 76, 79-85, 105, 108-114, 134, 137-143, 162 and 165-171 are allowable for at least the reasons provide above for claims 1, 31, 61, 90, 119 and 148, as none of Groath, Opoczynski or Moura teach or suggest generating and transmitting a graphical overview of the communication network to a user system, as provided for in the independent claims. Therefore, the Assignee respectfully requests withdrawal of the obviousness rejections of claims 17, 20-26, 47, 50-56, 76, 79-85, 105, 108-114, 134, 137-143, 162 and 165-171.

Conclusion

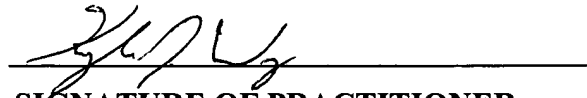
The prior art made of record and not relied upon (i.e., U.S. Patent No. 6,144,961 to de la Salle and U.S. Patent No. 6,453,345 to Trcka et al.) have been reviewed and are not considered to teach or suggest the current invention as claimed.

Based on the above remarks, the Assignee submits that claims 1-11, 13-41, 43-70 and 72-175 are allowable. Additional reasons in support of patentability exist, but such reasons are omitted in the interests of clarity and brevity. The Assignee thus respectfully requests allowance of claims 1-11, 13-41, 43-70 and 72-175.

As one additional dependent claim was actually submitted over what was originally indicated at the time of filing of the present application, the Office is hereby authorized to charge Deposit Account No. 21-0765 the amount of \$50.00. The Assignee believes no additional fees are due with respect to this filing. Should the Office determine additional fees are necessary, the Office is hereby authorized to charge Deposit Account No. 21-0765.

Respectfully submitted,

Date: 3/22/05

A handwritten signature in black ink, appearing to read 'Kyle J. Way', is written over a horizontal line.

SIGNATURE OF PRACTITIONER

Kyle J. Way, Reg. No. 45,549

Setter Ollila LLC

Telephone: (303) 938-9999 ext. 21

Facsimile: (303) 938-9995

Correspondence address:

CUSTOMER NO. 28004

Attn: Harley R. Ball

6391 Sprint Parkway

Mailstop: KSOPHT0101-Z2100

Overland Park, KS 66251-2100